



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 207-00

25 January 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 25 August 2000, a copy of which is enclosed. The Board also considered your rebuttal to the advisory opinion which is dated 8 September 2000.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection the Board substantially concurred with the comments contained in the advisory opinion concerning your transfer to the Fleet Marine Corps Reserve.

Concerning that portion of the advisory opinion which suggests a further advisory opinion from the Physical Evaluation Board (PEB), the Board notes that there is no evidence in the record, and you have submitted none, to show that you have any physical condition which would warrant referral to the disability evaluation system. In this regard, a presumption of fitness applies to individuals who are processed for retirement from the military for reasons other than disability.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a

presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1741  
MMSR-6  
25 Aug 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF GUNNERY SERGEANT [REDACTED].  
[REDACTED] USMC RETIRED

Ref: (a) MMER Route Sheet of 16Aug00, Docket No. 0207-00

1. The reference (a) requests an advisory opinion on Gunnery Sergeant [REDACTED] request to have her record corrected to show that she was not transferred to the Fleet Marine Corps Reserve (FMCR) on 31 December 1999.
2. Gunnery Sergeant [REDACTED] was voluntarily released from active duty on 31 December 1999 and transferred to the Fleet Marine Corps Reserve, as per her request. She had no current medical board on file at the time of her transfer to the FMCR. Additionally, Gunnery Sergeant [REDACTED] was not undergoing disability processing at the time of her transfer.
3. We defer further advisory opinion to the Physical Evaluation Board (PEB) of the Naval Medical System with regard to the necessity of Gunnery [REDACTED] being placed on active duty to undergo disability processing.

  
J. P. RATHBUN JR.

Head, Separation and  
Retirement Branch  
By direction of the Commandant  
of the Marine Corps